

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Applicant:</b>	Greenberg, et. Al.	<b>Art Unit:</b>	Unassigned
<b>Serial No.:</b>	Unknown	<b>Examiner:</b>	Unknown
<b>Filed:</b>	Herewith		
<b>Docket No.:</b>	S100DIV3		
<b>For:</b>	Retinal Color Prosthesis for Color Sight Restoration		

**Assistant Commissioner  
For Patents  
Washington, D.C. 20231**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on:

11/9/01

  
Emily M. Stuart

**DECLARATION OF ROBERT J. GREENBERG IN SUPPORT OF A  
PETITION TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. 1.48(a)**

Dear Sir:

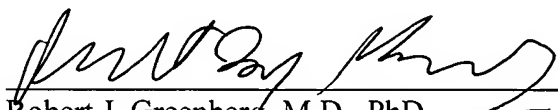
I, Robert J. Greenberg, state and declare:

1. I am president of Second Sight, LLC, and an originally named inventor in the parent to the present application, US patent application, Retinal Color Prosthesis for Color Sight Restoration, 09/515,373, filed February 29, 2000 (the "original application").
2. As part of my work for Second Sight, LLC, I met regularly with Brian V. Mech prior to, and after, the filing the original application. At these meetings we discussed the subject matter of the invention disclosed in the original application. Brian suggested several coatings and methods of coating for the subject retinal prosthesis. These coatings form part of the subject matter which is claimed in the present divisional application.

3. It was a mere oversight that Brian Mech was not named as an inventor in the original application. Neither I, nor Second Sight, LLC had any deceptive intent in not naming Brian Mech as an inventor in the original application.
4. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further that these statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

11/8/01  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Robert J. Greenberg, M.D., PhD

Second Sight, LLC  
P.O. Box 905  
Santa Clarita, CA 91380-9005  
(661) 775-3990 x3129  
(661) 775-1595 (fax)

**PATENT**

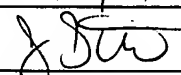
#4  
B. Webb  
10/8/03

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Applicant:</b>	Greenberg, et. Al.	<b>Art Unit:</b>	Unassigned
<b>Serial No.:</b>	Unknown	<b>Examiner:</b>	Unknown
<b>Filed:</b>	Herewith		
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Emily M. Stuart

**PETITION TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. 1.48(a)**

Dear Sir:

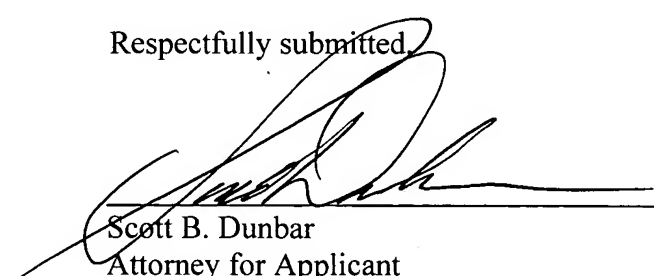
Pursuant to 37 C.F.R. 1.148(a), Applicant hereby petitions the Commissioner to correct inventorship in the above-identified patent application. As supported by the enclosed declarations of Robert J. Greenberg and Joseph H. Schulman, applicant, without deceptive intent, incorrectly named the inventors in the declaration filed in the parent application, Retinal Color Prosthesis for Color Sight Restoration, 09/515,373, filed February 29, 2000. The correct inventorship is shown in the new declaration provided herewith.

01/04/2002 FFANAEIA 00000007 500922 10033576

04 FC:122 130.00 CH

11/8/01  
Date

Respectfully submitted,

  
Scott B. Dunbar  
Attorney for Applicant  
Reg. No. 37,124

Second Sight, LLC  
P.O. Box 905  
Santa Clarita, CA 91380-9005  
(661) 775-3990 x3129  
(661) 775-1595 (fax)

Atty. Docket S100DIV3

**PATENT**

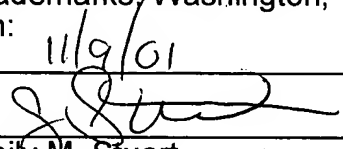
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<b>For:</b>	Retinal Color Prosthesis for Color Sight Restoration		

**Assistant Commissioner  
For Patents  
Washington, D.C. 20231**

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11/9/01

  
Emily M. Stuart

**DECLARATION OF JOSEPH H. SCHULMAN IN SUPPORT OF A  
PETITION TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. 1.48(a)**

Dear Sir:

I, Joseph H. Schulman, state and declare:

1. I am a director of Second Sight, LLC, and an originally named inventor in the parents to the present application, US patent application, Retinal Color Prosthesis for Color Sight Restoration, 09/515,373, filed February 29, 2000 (the "original application").
2. As part of my work for Second Sight, LLC, I met regularly with Brian V. Mech prior to, and after, the filing the original application. At these meetings we discussed the subject matter of the invention disclosed in the original application. Brian suggested several coatings and methods of coating for the subject retinal prosthesis. These coatings form part of the subject matter which is claimed in the present divisional application.

1003556-110004

3. It was a mere oversight that Brian Mech was not named as an inventor in the original application. Neither I, nor Second Sight, LLC had any deceptive intent in not naming Brian Mech as an inventor in the original application.
4. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further that these statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

11-08-01  
Date

Joseph H. Schulman  
Joseph H. Schulman, PhD

Second Sight, LLC  
P.O. Box 905  
Santa Clarita, CA 91380-9005  
(661) 775-3990 x3129  
(661) 775-1595 (fax)

Docket No:  
S100-DIV3

# Declaration and Power of Attorney For Patent Application

## English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled  
**RETINAL COLOR PROSTHESIS FOR COLOR SIGHT RESTORATION**

the specification of which

(check one)

☒ is attached hereto.

☐ was filed on \_\_\_\_\_ as United States Application No. or PCT International  
Application Number \_\_\_\_\_  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Year Filed)

☐

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Year Filed)

☐

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Year Filed)

☐

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

60/125,873

Mar. 24, 1999

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

**Scott B. Dunbar, Reg. No. 37,124**

**Gary D. Schnittgrund, Reg. No. 42,130**

**Send Correspondence to:** **Second Sight, LLC**  
**P.O. Box 905**  
**Santa Clarita, California 91380-9005**

**Direct Telephone Calls to:** *(name and telephone number)*  
**Scott B. Dunbar, (661) 775-3995 ext. 3129**

Full name of sole or first inventor

**Robert J. Greenberg**

Sole or first inventor's signature

*Robert J. Greenberg*

Date

*11/8/01*

Residence

**1600 S. Benctley #7, Los Angeles, California 90025**

Citizenship

**U.S.A.**

Post Office Address

Full name of second inventor, if any

**Joseph H. Schulman**

Second inventor's signature

*Joseph H. Schulman*

Date

*11-8-01*

Residence

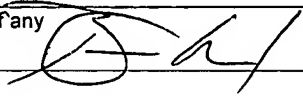
**16050 Comet Way, Santa Clarita, California 91351**

Citizenship

**U.S.A.**

Post Office Address



Full name of third inventor, if any <b>Brian V. Mech</b>		11-08-01
Third inventor's signature		Date
Residence <b>14812 Dickens St. #307, Sherman Oaks, California 91403</b>		
Citizenship <b>Canada</b>		
Post Office Address		

Full name of fourth inventor, if any	
Fourth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of fifth inventor, if any	
Fifth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of sixth inventor, if any	
Sixth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	